THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19485 of 1998

Dated: 16-08-2005

Between:

Kundella Venkataiah,

Vangoor Mandal, Mahabubnagar District.

...Petitioner.

And

The Chairman and Managing Director,

A.P.Road Transport Corporation, Hyderabad and

Two others.

...Respondents.

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O R D E R:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in orally terminating the services of the petitioner from the post of Driver Grade II on 08-05-1998 as illegal and arbitrary, and consequently to direct the respondents to admit the petitioner in the training classes for Drivers Grade II at the office of the third respondent.

It is the case of the petitioner that pursuant to the notification dated 02-11-1997 issued by the respondent-Corporation inviting applications for the posts of Driver Grade II, he applied for the same and accordingly attended to the interviews conducted on 31-03-1998 and his name was placed at Sl.No.2 in the selection List, which was displayed on 26-05-1998. Thereafter, he was subjected to medical test and sent for training. While he was undergoing the third day of training on 08-06-1998, he was directed not to attend to the training classes, orally informing that he was mistakenly identified as the person at Sl.No.2, which according to the petitioner is arbitrary and illegal.

A detailed counter-affidavit has been filed denying the allegations made by the petitioner. It is stated that the name of the petitioner and the name of the person at Sl.No.2 in the Selection List are identical i.e., K. Venkataiah, S/o Jangaiah, due to which the petitioner reported to the RM's Office and was subjected to medical test and sent for training. Meanwhile, the person, whose name was placed at Sl.No.2 in the Selection List, reported to RM's office. Then, records were verified and it was found that the petitioner, who belongs to BC-D, secured only 50% of marks whereas the person, who belongs to BC-A and whose name was placed at Sl.No.2, secured 54% of marks. It was also found that as per the Roster, a candidate was selected and who belongs to BC-A was placed at Sl.No.2. Therefore, the petitioner was directed not to attend to the training classes.

I have given my earnest consideration to the submissions made by the learned counsel on either side and perused the material made available on record.

As seen from the record, it is evident that it was only a mistaken identity of names of the candidates and their fathers', which was detected during the course of verification of records, when the actual person, whose name was placed at Sl.No.2 in the Selection List, approached the RM's office. Moreover, the petitioner belongs to BC-D and the said person belongs to BC-A. It is a matter of record that as

per the Roster, a candidate who was selected and who belongs to BC-A was placed at Sl.No.2. In view of the same, the question of termination of services of the petitioner does not arise as he was sent for training by mistake and when the actual person whose name was placed at Sl.No.2 reported at RM's office, the real facts came to light and accordingly the petitioner was directed not to attend to the training classes. In the circumstances, I am of the opinion that the grievance of the petitioner is imaginary and the writ petition is speculative and devoid of merits.

The writ petition is accordingly dismissed. No costs.

(C.V. RAMULU, J)

Date:16-08-2005

ghn